

S.B. CIVIL WRIT PETITION NO. 3249/2005.
(RAJENDRA SINGH VS. LABOUR COURT & ORS.)

DATE OF ORDER : 14.11.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. H.S. Sidhu for the petitioner/s.
Mr. B.L. Tiwari, Dy.GA, for the respondent/s.

The appropriate government under its notification dated 31.3.90 referred an industrial dispute for its adjudication to Labour Court, Bikaner in the terms as to whether termination of 13 workmen w.e.f. 01.03.1989 by Assistant Engineer, Public Works Department, Sub Division – I, Churu is proper and valid, if not, then for what relief the workmen is entitled. A claim petition was filed by the Union pertaining to the 13 workmen including the petitioner Shri Rajendra Singh s/o Shri Ram Kumar Singh.

It is stated that because of some inadvertence, a typographical error crept in the affidavit solemn by the petitioner to the extent that name of his father was shown as Bachhan Singh in place of Ram Kumar Singh.

The Labour Court while answering the reference under the award dated 27.03.99, refused for adjudicating the issue pertaining to retrenchment of the present petitioner on the count that the claim was filed in the name of workman Rajendra

Singh s/o Ram Kumar Singh, whereas the affidavit has been solemnised by Rajendra Singh s/o Bachhan Singh. Being aggrieved by the same, this petition for writ is preferred.

It is contended by counsel for the petitioner that in the affidavit solemnised by the petitioner, a typographical error crept and only because of that, the petitioner has been denied his right for getting the dispute adjudicated.

The State Government in its reply to the writ petition stated that Rajendra Singh s/o Raj Kumar Singh was in their employment, however, no evidence was placed before the Labour Court by that workman, as such no error is committed by the Labour Court warranting interference by this Court under Article 226 and 227 of the Constitution of India.

The affidavit said to be solemnised by the petitioner is available on record as Annexure P/3. It appears that the affidavits were filed by the workmen before the Labour Court pertaining similar facts, therefore, the name of the workman concerned and parentage is hand written in such affidavits, whereas remaining contents are typed. It is stated in the petition for writ that by a typographical error and due to some inadvertence, name of father of the petitioner is shown as

Bachhan Singh in the affidavit concern, but the signatures are of the petitioner.

I do not find any error in the award as the Labour Court rightly read the affidavit wherein the name of the father of Shri Rajendra Singh is shown as Bachhan Singh, whereas the claim petition was filed on behalf of Rajendra Singh s/o Ram Kumar Singh, however, as a specific statement is given by the petitioner that Bachhan Singh was erroneously mentioned in the affidavit, to meet the ends of justice, I consider it appropriate to remand the matter for its adjudication to the extent it pertains to the dispute with regard to retrenchment of the present petitioner.

Accordingly, this petition for writ is disposed of with a direction to the Labour Court, Bikaner to decide the industrial dispute referred to it under the notification dated 31.03.1990 only with regard to the present petitioner afresh on merits.

No order to cost.

(GOVIND MATHUR)J.

Anil/